Integrated Pest Management Act Regulations: Discussion Document

This discussion document:

- Provides a brief description of the consultation process leading to, and key provisions of, the *Integrated Pest Management Act*, introduced to update and replace the *Pesticide Control Act*;
- Outlines the process and provides consultation opportunities for development of the Regulations that will accompany the new *Act*;
- Describes issues and questions for public comment regarding the new Regulations; and
- Provides a response form for those wishing to make comment to the Ministry of Water, Land and Air Protection.

This discussion document and related information has been posted on the Ministry web site at http://wlapwww.gov.bc.ca/epd/epdpa/ipmp/pestact/index.html for public review and comment until January 15th 2004. Those interested are invited to submit comments on the proposals using the instructions and questions that follow. Comments submitted via this process will be carefully considered in the preparation of the new Regulations.

Integrated Pest Management Act

The *Integrated Pest Management (IPM) Act* was passed in the BC Legislature and received Royal Assent in October, 2003. This *Act* will replace the *Pesticide Control Act*, introduced in 1977. Before the new *Act* can be implemented, it requires accompanying detailed Regulations.

The full text of the new *Act* can be viewed or downloaded from the provincial government website at: www.legis.gov.bc.ca/37th4th/3rd_read/gov53-3.htm

The primary goals for the new *Act* are to:

- Establish regulatory requirements based on degree of risk to human health and the environment;
- Promote environmental stewardship and integrated pest management; and
- Set clear and enforceable regulatory requirements.

The *Integrated Pest Management Act* regulates the sale, use and handling of pesticides in British Columbia. The new *Act* enables IPM to be required for pesticide use on all public land, and on private land used for forestry, utilities, transportation and pipelines.

The new *Act* will also complement provisions established under the federal *Pest Control Products Act*.

Integrated Pest Management (IPM)

The new *Act* defines Integrated Pest Management as "a process for managing pest populations that includes the following elements:

a. Planning and managing ecosystems to prevent organisms from becoming pests;
b. Identifying pest problems and potential pest problems;
c. Monitoring populations of pests and beneficial organisms, damage caused by pests and environmental conditions;
d. Using injury thresholds in making treatment decisions;
e. Suppressing pest populations to acceptable levels using strategies based on considerations of:
   - Biological, physical, cultural, mechanical, behavioural and chemical controls in appropriate combinations, and
   - Environmental and health protection; and
f. Evaluating the effectiveness of pest management treatments."

Because it requires a proactive and preventative approach, the use of IPM is expected to reduce reliance on more toxic pesticides and lead to an eventual reduction in their use.

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Consultation Process to Date

The process to draft the new *Act* included:

- Posting on the Ministry website and distribution of a discussion document, outlining problems with the existing legislation and proposed goals for new legislation;
- A provincial information and discussion workshop with a broad range of invited stakeholders; and
- Public review and comment based on the discussion document from October through December 2002 – resulting in over 125 submissions, including 30 from associations or corporations.

Changes Resulting From The New Act:

The *Integrated Pest Management Act* includes some significant changes to the regulatory provisions of the *Pesticide Control Act*.

Requirements for Ministry approval of permits and Pest Management Plans for all pesticide uses on public and specified private lands are eliminated – only pesticide uses of "high concern" prescribed by regulation will require approval by permit.

For most uses that previously required permits and approvals, the new system will require a proponent to:

- Develop a *Pest Management Plan* (PMP) in accordance with regulations, using the principles of integrated pest management;
- Submit a *pesticide use notice*, that lists intended use of pesticides to the Ministry; and
- Use the pesticide strictly in accordance with the notice and standards for protecting human health and the environment prescribed by regulation.

Provisions for compliance are enhanced, including:

- Establishing a "Qualified Monitor" category of person, and provisions to identify when such a person should be required or employed by a pesticide user to assess conditions, or to monitor compliance with human health and environmental protection requirements;
- Increasing penalties for offences under the *Act* (e.g., for an individual's first offence, from a previous maximum of $2,000 to $200,000);
- Providing Courts with sentencing options (e.g., directing payment of funds or services to environmental restoration); and
- Enabling the setting and collection of administrative penalties to reduce reliance on the court system (implementation of this penalty system will not occur in the first release of the *IPM Act* Regulations and will be preceded by public review of proposed provisions).

Public notification and consultation can be specified, including:

- Public notification about proposed pesticide use, including use in and around office and multiple residence buildings with common access; and
- Public consultation in regard to use of pesticides – under permits or PMPs – to ensure protection of human health and the environment.

Powers to make Regulations are given to:

- The **Minister** to, for example: establish classes of pesticides and situations requiring a licence certificate or permit; set various fees; require consultation and notification before pesticide use; and require record keeping and monitoring.
- The **Administrator** to, for example: set standards for the protection of human health and the environment; assign pesticides to the classes set by the Minister; and specify how requirements established by the Minister (such as for consultation, notification and record keeping) must be carried out. (Many of these provisions will be similar to the terms of permits set by the Administrator under the *Pesticide Control Act*)

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Benefits of the New Integrated Pest Management Regulatory Approach

Provincial standards for pesticide use will establish clear enforceable requirements and minimize regional inconsistencies. Stakeholders will be engaged in the preparation and updating of provincial standards, rather than reviewing conditions of individual permits.

The *shift from permits and approvals, to pest management plans and enforcement for compliance* will reduce "red tape" and encourage stewardship by practitioners, while focusing Ministry resources on setting and ensuring compliance with standards.

Regulations are to be more easily updated to allow for changing pesticide uses and business practices – with the objective of establishing an appropriate level of regulation while reducing the work and costs for business.

Consultation Process for Establishing the New Regulations

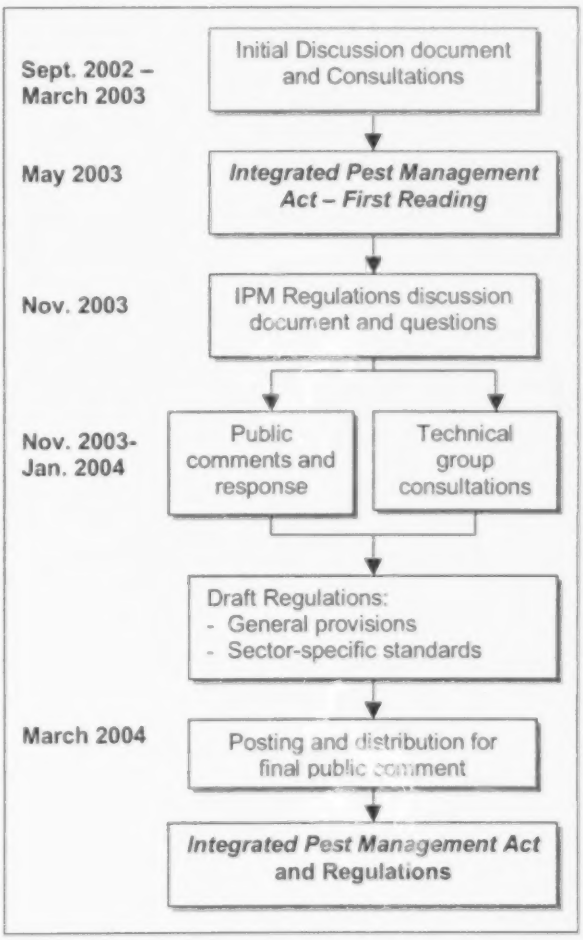
During consultations to develop the new *Act*, the Ministry made a commitment to provide further opportunity for comment on development of the Regulations. This discussion document outlines key issues and questions for public comment. Comments on these issues should be submitted by January 15, 2004.

In December and January, Ministry staff will also conduct meetings with selected sector-specific groups, as required to collect comments. These groups will consist of government and other pest management and environmental protection specialists. The meetings will be technical in nature, with particular emphasis on standards for pesticide use.

Following review of comments and submissions, draft Regulation provisions will be prepared and posted on the Ministry website for final review and comment. It is hoped that the Regulations necessary to implement the new *Integrated Pest Management Act* will be enacted by summer of 2004. Some regulatory provisions may remain to be completed, following public consultation at a later date.

The following diagram outlines the consultation process for development of the *Act* and Regulations.

IPM Legislation Consultation Process


Sept. 2002 – March 2003
Initial Discussion document and Consultations
May 2003
Integrated Pest Management Act – First Reading
Nov. 2003
IPM Regulations discussion document and questions
Nov. 2003- Jan. 2004
Public comments and response
Technical group consultations
Draft Regulations:
- General provisions
- Sector-specific standards
March 2004
Posting and distribution for final public comment
Integrated Pest Management Act and Regulations

Discussion Issues

The following issues of concern to stakeholders have been identified by Ministry staff, following a review of comments received in consultations to date in development of the *Integrated Pest Management Act*. A brief description of each issue is followed by specific questions to help solicit comment. The discussion questions are also listed in the accompanying Response Questionnaire to assist respondents in structuring comments, if desired.

1. Process for Ministry consultation and notification regarding amendment of the Regulations.

During consultations on the new *Act*, many stakeholders inquired about the consultation procedures that the Ministry will use for further development and any future amendment of the Regulations particularly concerning standards for pesticide use.

The Ministry is planning to post information concerning content and administration of the Act and Regulations on a website, with a listing of amendments as they are made. A list service ("list serve")[1] will also be maintained to notify all interested parties of any changes that are posted.

The Ministry intends to consult on changes to the Act's Regulations.

Suggestions are being sought on effective means of consultation, given limits to Ministry staff and resources. At a minimum, proposed amendments could be posted and comments sought through the Ministry's list service prior to regulatory changes.

The Ministry is also interested in providing a means for members of the public to make comment or suggest changes to the content and/or administration of the *Act* and Regulations. This could be in the form of a "reply" or "comment" function on the Ministry's IPM website.

Discussion Questions

1.1 Do you consider posting of information on the Ministry's IPM website and notification through a regularly maintained list service ("list serve") as an effective means of communicating proposed and enacted IPM Regulations to interested parties? Do you have any comments or suggestions regarding such a service?

1.2 Do you have any suggestions that would support effective consultation for future proposed changes to the IPM Regulations?

2. Pesticide categories and the list of "Exempted" pesticides.

The *IPM Act* and Regulations establish classes of pesticides, and requirements for licences, certificates, permits and pesticide use notices for each class. *The Ministry proposes to retain the existing classes of the* Pesticide Control Act *Regulation, but to adjust the pesticides assigned to some classes.* The classes are:

- **Permit-Restricted**: These are the most strictly controlled and require a permit for use. Most of the pesticides now listed in this class in the BC *Pesticide Control Act* Regulation are no longer registered for use under the federal *Pest Control Products Act* and as such cannot be used in BC. These do not need to be listed in the new *IPM Act* Regulations. This class is to be reserved for those pesticides or pesticide uses that, under federal legislation, require a permit for use.
- **Restricted**: These pesticides have the federal class "RESTRICTED" specified on their label. Purchase or use of these pesticides will require a pesticide applicator certificate.

[1] A list service allows any interested individual or organization to subscribe to receive e-mail notices as they are posted on the list server.

- **Commercial**: These pesticides are intended for professional and commercial use, such as in landscaping, agriculture or forestry. They have the federal class "COMMERCIAL" specified on their label.
- **Domestic**: These pesticides have the federal class "DOMESTIC" specified on their label. They are intended for use by non-professionals – in or around homes and gardens.
- **Exempted**: These are individual pesticides or types of pesticide use listed in the Regulations. They are exempted from many regulatory requirements. Most are federally classified as "DOMESTIC," and a few are classified as "COMMERCIAL."

Current requirements for the five classes of pesticides are summarized in the table below.

The Ministry does not intend to change the classes or requirements for each class, however adjustment to the list of Exempted pesticides would change regulatory requirements for individual pesticides. For example, Exempted products are not subject to licensing, certification or permit requirements.

General Requirements for each Class of Pesticide Under the *Pesticide Control Act* Regulations

General Requirements	Pesticide Classes				
	Permit-Restricted	Restricted	Commercial	Domestic	Exempted
Permit required for purchase and all uses.	Yes	No	No	No	No
Applicator certificate required for purchase and all uses.	Yes	Yes	No	No	No
Purchase must be recorded by Vendor	Yes	Yes	Yes	No	No
Pesticide use permits required for public land or private land used for forestry, transportation or public utilities.[2]	Yes	Yes	Yes	Yes	No
Service licence required for fee-for-service applications.	Yes	Yes	Yes	Yes	No
Applicator certificate required to supervise applications to public land or on fee-for-service basis.	Yes	Yes	Yes	Yes	No
Vendor licence required for selling.	Yes	Yes	Yes	Yes	No
Dispenser certificate required for selling.	Yes	Yes	Yes	Yes	No
Use must not cause an unreasonable adverse effect	Yes	Yes	Yes	Yes	Yes

[2] Under the new *Act*, for most pesticide uses, permits will be replaced by Pest Management Plans and pesticide use notices.

Updating the Schedule of "Exempt" Products

The last addition to the present schedule of Exempted products was made in 1992 – the list is in need of review and revision to ensure currency and appropriate regulation of specific products.

The Ministry is identifying pesticides for the schedule of Exempted pesticides in the new Regulations. Products proposed for Exempt listing are of two general types:

1) Pesticides of very low risk to human health and the environment; and

2) So-called "non-traditional" pesticides – that are generally used on private land, not broadcast into the environment, and/or are regulated through other legislation.

Examples of low risk pesticides include insect repellents, insecticidal soaps and pyrethrins. Examples of non-traditional pesticides include disinfectants, swimming pool chemicals and wood preservatives. For a list of proposed products for Exemption and the proposed process for adding pesticides to the Exempted list, see Appendix I in the final section of this discussion document.

It is expected that ongoing updates to the Exempt list of products will be necessary. Proposed changes with a rationale would be posted for comment prior to adoption (See discussion issue 1.).

Discussion Questions

2.1 Do you have comments regarding the *categories of pesticides*?

2.2 Do you have comments or suggestions concerning *pesticides or types of pesticide use* that should or should not be in the Exempt category? What are your criteria for suggesting this (or these) pesticide(s) or use(s)?

3. Establishing requirements for pesticide uses under Pest Management Plans, licence standards or permits.

The existing *Pesticide Control Act* and Regulations require a permit, Pest Management Plan approval or licence endorsement for pesticide use on public land or private land used for forestry, public utilities or transportation. Currently, permits or PMP approvals are required for most pesticide uses on these land types. Licence endorsements are approvals given to licence holders for small landscape or structural pesticide uses on public land such as for maintenance of municipal parks or pest control in public buildings.

3. a. Permit requirements for pesticide uses of high concern

The new *Act* moves away from a "permit and approval-based" regulatory approach but retains authority for the Minister to require permits for specific pesticide uses of high concern. The Ministry believes that requirements for permits and approvals should be limited to situations that are not typical, and for which unique terms and conditions need to be established. Some uses of pesticides of high concern (e.g., in areas frequented by the public and/or children) could have application requirements established through regulatory standards, where general standards are appropriate.

In establishing a list of pesticide uses of high concern that will require a permit prior to use, the Ministry wishes to focus limited resources on situations that are truly atypical and worthy of such consideration.

The Ministry proposes the pesticide uses of high concern that would require a permit be defined as:

- Aerial application of pesticides over residential areas;
- Use of pesticides in predator control; and
- Use of pesticides for which no standards have been set.

A permit would also be required to obtain approval for a deviation from standards.

The *Act* enables the Minister to designate pesticide uses that require a permit. This provision allows amending the Regulations to accommodate emerging concerns or uses.

Discussion Questions

3.1 Do you have any comments or suggestions regarding the proposed *pesticide uses that would require a permit*?

3. b. Licence standards to replace endorsements

The Ministry is proposing institution of licence standards specific to landscaping and structural pesticide use on public land under the new Regulations.

These standards would replace the current system of individual licence endorsements. The standards would establish provincial terms and conditions that require licence holders to follow the principles of IPM, and to protect people and the environment.

It is proposed that licence standards would address pesticide uses on public land for structural and landscape pests where the total land area treated annually is less than 20 ha, and for other types of pest management where the total land treated annually is less than 1 ha.

Development of the standards would involve representatives of these industry sectors, and other interests identified by the Ministry.

Discussion Questions

3.2 Do you have any comments or suggestions regarding *the use of licence standards to replace endorsements* for treatments of structural and landscape pests and other small-scale treatments?

3.3 Do you have any recommendations or comments regarding *the process to develop licence standards* for structural and landscape pesticide use?

3. c. Pest Management Plans

The new *Act* envisages the use of Pest Management Plans (PMPs) and associated pesticide use notices as a primary tool for Integrated Pest Management on extensive land areas such as rights-of-way and working forests. A PMP and pesticide use notice would be required for pesticide use on public land or private land used for forestry, transportation or public utilities (except for the few situations where a pesticide use permit or licence was required).

To guide preparation and use of PMPs, the Regulations would require a proponent to:

- *Notify the Ministry of intended pesticide uses;*
- *Follow a Pest Management Plan (PMP) prepared according to standards set out in Regulations; and*
- *Follow Ministry pesticide use standards set out in Regulations.*

Proponents following this procedure would submit a "pesticide use notice" to the Ministry, providing basic information about where, when and what pesticides are to be used, and subsequently receive confirmation of receipt of the notice by the Administrator.

Discussion Questions

3.4 Do you have any comments or suggestions regarding pesticide uses that would require a *Pesticide Management Plan (PMP) and pesticide use notice*?

4. *Establishing fair and appropriate fee schedules for service and vendor licences, permit applications and pesticide use notices.*

The Regulations for the new *Act* will establish fee schedules for activities managed under the *Act*. The Ministry will use the following principles in setting fair and appropriate fees:

- *Fees should fairly reflect the nature of the activity and types of services being regulated;*
- *Fees should ensure an appropriate return to government for the costs of managing the IPM program;*
- *The fee and IPM regulatory system should encourage the use of Integrated Pest Management principles, with the overall aim of reducing the impact of pesticides in British Columbia; and*
- *Fees should be applied on an equitable basis throughout the province.*

The new *Act* includes four primary avenues for the setting and collection of fees:

- Pest control service licences;
- Pesticide vendor licences;
- Pesticide permit applications; and
- Pesticide use notices - associated with Pest Management Plans.

4. a. *Pest control service licences*

The current *Pesticide Control Act* and Regulations require a person or company who applies pesticides as a service to obtain a licence. Government agencies (including municipalities, schools, universities and provincial Ministries) require a licence for pesticide use on public lands.

The new *IPM Act* retains this system.

Pest control service licences are required within the scope of many activities and apply to a wide range of operations, including:

- **Landscapers** – from individuals or companies who use a small amount of pesticides for a few customers, to those who specialize in pest control.
- **Structural pest control operators** – from small to large companies, providing a range of services to control pests in homes, commercial buildings and in imported and exported merchandise.
- **Vegetation management companies** – usually having several staff and commonly providing vegetation management services for forest, rail and/or utility companies, or governments (e.g., for transportation or utility corridors). Much of their work will be conducted on lands that require a PMP – pesticide use notice, or a permit.
- **Government Agencies** – including local governments, schools, universities and provincial government Ministries who require a licence for pesticide use on public land.

Current fees for pest control service licences are $125 for a one-year licence.

The revised fees for pest control service licences are to be $250, $500 or $1000 per year – depending on the size and/or nature of the business. Licences could be available with one-, two- or three-year terms.

The Ministry wishes to establish appropriate criteria for defining the three size categories of licence. The fee schedule should reflect the Ministry's pricing principles. One or more of the following criteria could be used to establish a tiered fee schedule:

- *Number of applicators working for the licensee* (e.g., 1 = small; 2-3 = medium; >3 = large);

- *Number of person-days of pesticide application per year* (e.g., 25 days = small; 25-100 days = medium; >100 days = large);
- *Number and type of properties over which a licensee operates per year* (e.g., <50 private properties = small; 50-100 private properties (or landscaping or structural treatment of public buildings) = medium; >100 private properties (or treatment of public buildings, or any large scale treatment over public land) = large); and/or
- *Weight of pesticide active ingredient being used by the licensee* (<5 kg = small; 5-50 kg = medium; >50 kg = large).

The use of one or more of the criteria has administrative and other implications that need to be considered and addressed prior to adoption (e.g., establishing licence classes by weight of pesticide use may involve additional reporting and monitoring requirements, or encourage use of higher toxicity pesticides).

Discussion Questions

4.1 What do you feel would be fair and appropriate *categories for the pest control service licence fee schedule*, based on the size of the operation being licenced? Do you have any additional comments?

4.2 Do you feel that the *term of a pest control service licence* should be:
- one year;
- two years;
- three years, or
- optional: one, two or three years?

What are the reasons for your choice?

4.b. Pesticide vendor licences

The new *Act* continues the requirement that a person or company who sells a pesticide obtain a pesticide vendor licence. There are two main categories of vendors:

- **Vendors of domestic products** – intended for use by homeowners, ranging from small hardware stores to nurseries and department stores; and
- **Vendors of commercial products** – intended for use by commercial applicators such as farmers, and other users in landscape, structural or forest industries. There are a limited number of such vendors in BC because industry storage and safety requirements necessitate a significant capital outlay. Vendors of commercial products also face competition from out-of-province companies who may operate under differing regulatory requirements.

Fees for pesticide vendor licences are currently $125 for a one-year licence.

Revised vendor licence fees are to be $250 for domestic products and $1000 for commercial products. Licences would be available with one-, two- or three-year terms.

Discussion Questions

4.3 Do you have any comments or suggestions for establishing a fair and appropriate *schedule of fees for pesticide vendor licences*?

4.4 Do you feel that the *term of a pesticide vendor licence* should be:
- one year;
- two years;
- three years, or
- optional: one, two or three years?

What are the reasons for your choice?

4.c. Pesticide permit applications

Under the new *Act*, permits will be required only for pesticide uses of high concern or for uses for which there are no standards (See discussion issue 3.a.). The Ministry expects to receive only a few (i.e., less than ten) permit applications per year under the new *Act*, most of which will be for cases in which established standards are lacking. Other permit applications may be for a "deviation" from established standards for a specified pesticide use, or for pesticide use by a

government agency for protection of human health or the environment.

The permit fee is presently $125 per application. *The revised permit fee is to be $1000.*

Discussion Questions

4.5 Do you have any comments or suggestions for establishing a fair and appropriate *schedule of fees for pesticide permit applications*?

4.d. Pesticide use notices

Under the new *Act*, most pesticide uses on public land – and on private land used for forestry, transportation and utility corridors – will be by Pest Management Plans (subject to the PMP and pesticide use notice process) (See discussion issue 3.c.).

PMPs will be prepared for or by companies and government agencies, including large forest companies, railways, utilities, local governments and provincial agencies. Pesticide uses directed by a PMP could include forest vegetation management, invasive "noxious weed" control, mosquito control and vegetation management along roads and railways. While some uses may involve small amounts of pesticides in "spot treatments," other uses will involve broadcast treatments and larger quantities of pesticides applied to larger areas.

The fee schedule for pesticide use notices (associated with PMPs) is to be $500 for small, $1000 for medium, and $2000 for large, operations. A notice would be effective for up to five years duration.

The Ministry wishes to establish appropriate and fair criteria for defining the three sizes of operations. One or more of the following criteria could be used:

- *Hectares over which treatment is to occur* (e.g., <20 ha = small; 20-100 ha = medium; >100 ha = large);
- *Amount of pesticide active ingredients to be used* (e.g., <20 kg = small; 20-50 kg = medium; >50 kg = large); and/or
- *Number of years for which the notice is requested to be in effect* (to a maximum of five years) (e.g., 1 yr = small; 2-3 yrs = medium; 4-5 yrs = large).

Discussion Questions

4.6 Do you have any suggestions for appropriate *criteria to define small, medium and large operations*, in order to set fees for pesticide use notices (associated with PMPs)?

Do you have any additional comments?

5. Determining the role and qualifications of Qualified Monitors.

The new *Act* contains provisions enabling "Qualified Monitors [with] prescribed qualifications" to undertake specified services pertaining to the management and regulation of pesticide use. The qualifications and specified activities for Qualified Monitors will be set out in the *Act's* Regulations.

It is important to note that a "Qualified Monitor" under the *Act* is not necessarily a "qualified professional" (e.g., Registered Professional Forester or Biologist).

Qualified Monitors will perform required technical and/or professional services for pesticide users, supporting consistent and effective monitoring and reporting for compliance with standards and practices set out in the new *Act* and Regulations.

The new *Act* enables the Minister to prescribe the circumstances when a Qualified Monitor must be engaged and the services that a Qualified Monitor must provide in relation to a pesticide use under a licence or permit, or in accordance with a pesticide use notice.

Under the new *Act*, the Administrator can order any person believed to have misused pesticides

(i.e., cause or have the likelihood of causing an unreasonable adverse effect) to obtain, at their expense, the services of a Qualified Monitor to assess and report on repair, cleanup and decontamination activities.

The Ministry is proposing three distinct areas of activity, with associated suggested qualifications, for Qualified Monitors:

i) Monitoring for IPM and Development of PMPs

Integrated Pest Management (IPM) involves (among other activities) identification of pests, monitoring for presence of pests, using thresholds and monitoring for effectiveness of treatment. The development of Pest Management Plans (PMPs) is expected to follow the principles of IPM, as well as other standards set out under the Regulations. Qualified Monitors may be expected to develop PMPs, or to monitor and/or review PMPs for adherence to IPM principles and provincial standards.

Suggested qualifications: certified applicator in the appropriate category (e.g., forestry, vegetation management); and two years of combined education and experience in the appropriate pest management sector.

ii) Pretreatment Assessment of Treatment Areas

In the development of a PMP, potentially sensitive areas within the treatment area must be identified. These areas include sensitive habitats, species at risk, aquifers and streams, drainage corridors and First Nations use areas. A Qualified Monitor would be responsible for identification of these sensitive areas as part of the pretreatment assessment of treatment areas within a PMP.

Suggested qualifications: recognized (post secondary) training regarding the ecology of the biota that may be present or impacted; training sufficient to identify environmental risks of using pesticides in a proposed treatment area; and training adequate to identify sensitive habitats (e.g., aquifer designation, stream identification, ungulate winter range) and species at risk.

iii) Compliance Assessment and Reporting

Qualified Monitors may be hired to undertake independent (i.e., third-party) assessment and reporting of potential misuse of pesticides, under order of the Administrator. In such situations, the Qualified Monitor would be expected to assess and report on the effects of pesticide use or misuse, and the effectiveness of any cleanup or decontamination efforts.

Suggested qualifications: certified applicator in the appropriate category (e.g., forestry, structural, landscaping); and two years of combined education and experience in the appropriate pest management sector.

Discussion Questions

5.1 Do you have any comments regarding the *proposed roles for Qualified Monitors:* i) monitoring for IPM and development of PMPs; ii) pretreatment assessment of treatment areas; and iii) compliance assessment and reporting?

5.2 Do you have any comments or recommendations regarding the *qualifications that should be required of Qualified Monitors*?

6. Defining notification requirements for pesticide use in or around office and multiple residence buildings.

The new Regulations will contain provisions for the use of pesticides in office and multiple residence buildings (e.g., apartments, townhouses), or on the landscaping around buildings with multiple dwellings or common access.

The Ministry's intentions are to:

- Ensure health and safety;
- Promote responsible pesticide use: and

- Ensure timely notification of people most directly concerned regarding pesticide use in office and multiple residence buildings.

The Administrator under the *Act* will set standards for notifying residents and/or occupants/users before pesticides are applied. These provisions would apply to private, as well as publicly owned, properties.

The Ministry is proposing that the Act's Regulations include a requirement that use of non-Exempt pesticides in a living area by someone other than the resident of that living area, or in common areas, must be by a certified applicator.

The Ministry is proposing the following public notification requirements regarding pesticide use in or around commonly accessed office and multiple residence buildings:

- *Notice of pesticide use[3] must be given to occupants of a dwelling (residence) at least 72 hours prior to use within rooms or units occupied as living accommodation, unless this advance notice time is waived by the occupants.*
- *Notice of pesticide use[4] is to be posted at least 48 hours before and following pesticide use:*
  - *In the hallways or rooms or outside grounds for the common use of all residents of multi-residence buildings, except where all occupants waive this requirement; and*
  - *In rooms or halls or the outside grounds around public or private buildings accessed by workers or the public such as office buildings, restaurants, stores, malls, trailer parks or campgrounds, except where only workers access an area and these workers waive the notice requirement.*
- *The notices are to be posted at the public entrances to the treated rooms or halls or treated outside grounds.*
- *Immediately following any pesticide use the applicator must leave notices for the occupants, if pesticide is used in rooms occupied as living accommodation, or for the building manager, if pesticide is used in common areas inside or outside buildings accessed by workers or the public.*

Discussion Questions

6.1 What comments or suggestions do you have regarding *applicator certification and appropriate notification requirements for pesticide use in or around office and multiple residence buildings with common access areas*?

6.2 Do you feel that it is appropriate to waive *notification requirements for use of Exempted products* (those considered to be of low risk to human and environmental health)?

Why or why not?

7. *Establishing standards for the preparation of Pest Management Plans and pesticide use for major industry sectors – consultation and notification requirements.*

The preparation of Pest Management Plans for pesticide use will be expected to meet provincial standards set out in the new Regulations.

Two specific issues concerning the standards – consultation and notification – are presented in this discussion document. Additional standards for the preparation of PMPs are being developed for specific industry sectors (e.g., forestry, vegetation management), in consultation with technical

[3] Including the name of the pesticide, location of use, date of use, applicable precautions and contact information for the individual or service company responsible for the pesticide use.

[4] Not including: use of rodenticides in tamper-proof bait stations; use of insect bait stations or bait gels in locations inaccessible to children or pets; crack and crevice treatments in interior public common areas, where public or worker access will not occur until adequate ventilation time has elapsed; and where treatments occur at least 48 hours before use by workers or the public (e.g., treatments made after close of business on a Friday, the building is not open on the weekend, and the building manager and workers are given advance notice of the treatment).

experts. These will be presented for public review with final proposals for the new Regulations.

Requirements for First Nations consultation will be consistent with provincial government policy. The Ministry also intends to keep all consultation correspondence concerning each PMP on file.

Note also that applications for permits under the new *Act* and Regulations will have specific consultation requirements that may differ from those discussed below, as permits will be required only for "atypical" pesticide use (See discussion issue 3.a.).

7.a. Consultation requirements for preparation of PMPs

Consultation requirements for the preparation of PMPs should help to:

- Ensure that a proponent is aware of environmental values that must be protected when pesticides are used (e.g., the locations and measures needed to protect water supplies); sensitive habitats and species at risk;
- Ensure that a proponent is aware of human health issues and concerns relevant to the intended pesticide use; and
- Communicate the proponent's intentions to the public, and engage interested parties in development of the PMP, as appropriate, in order to address issues and avoid subsequent concern or confrontation regarding pesticide use.

The Ministry is proposing the following minimum consultation requirements for inclusion in PMP preparation standards. On completion of a draft PMP, the proponent will:

- *Place prescribed advertisements in local newspapers, advising where the PMP can be reviewed, who to contact, and the time period in which responses can be made, as well as avenues for providing comment and provisions for ensuring that the Administrator receives copies of all public comments;*
- *Conduct First Nations consultation if required, in accordance with provincial government policy; and*
- *Document contacts and responses from other land users with interests within the proposed treatment area (e.g., water licence holders, guided outfitters, registered trap line holders).*

In areas where the public has little opportunity for access, or where treatment impacts are minimal (e.g., small private forest land holdings, enclosed areas, private posted land), consultation requirements would be limited to contact of immediate neighbouring occupiers.

The Ministry intends to include a requirement that all correspondence is kept by the proponent and that those who respond in consultation send copies to the Administrator to keep on file for auditing purposes.

Discussion Questions

7.1 Do you have any comments or suggestions regarding appropriate and effective *consultation requirements for proponents involved in preparing PMPs*?

7.2 Do you feel that it is appropriate to reduce *consultation requirements on private land used for forestry, rights-of-way or public utilities*?

If yes, what consultation requirements would you recommend?

If no, why not?

7.3 Do you feel that it is appropriate to reduce *consultation requirements for situations where there is little public access or where treatment impacts are minimal*?

If yes, how would you define such situations and what consultation requirements would you recommend?

If no, why not? Do you have any additional comments or recommendations?

7.b. Public notification of pesticide use

The new Regulations will establish requirements for notification of pesticide use under a PMP. The objectives of notification in these situations are to:

- Inform the public, and people who may be exposed, of use of a pesticide; and
- Provide individuals with the opportunity to minimize their exposure to the pesticide use, if they so choose.

Note that these requirements would be an adjunct to specific notification requirements for applicators of pesticides in commonly accessed office buildings or multiple residence dwellings (see discussion issue 6).

Current requirements for notification depend on the probability of bystander exposure. Some areas are publicly owned; some are privately owned but easily accessed by the public or other workers; and some are privately owned, enclosed spaces that are difficult to access by the public. It may be appropriate that the requirements for notification are reduced where the probability of exposure is diminished.

The new Regulations could include requirements for three types of notification:

- *Newspaper ads* that advise intention of treatment before the season begins;
- *Posting of signage* to indicate the imminent or recent application of pesticides to the treatment area (e.g., at all major public access areas); and
- *Specific notification* of resource users (e.g., beekeepers, trappers) that may be affected by pesticide treatments.

Discussion Questions

7.4 Do you have any comments or suggestions regarding appropriate and effective *requirements for public notification of pesticide use under a PMP*?

7.5 Should notification requirements be different for private land used for forestry, rights-of-way or public utilities?

If yes, what notification requirements would you recommend?

If no, why not?

Reminder: To reply to any of the discussion questions, see the complete list of questions and instructions in the Response Questionnaire that accompanies this discussion document.

Appendix I: Proposed Exempted Pesticides and Pesticide Uses

Objectives

- Exempt non-toxic, least-toxic and low-risk pesticides so that vendors, users and government are not subject to the costs of regulatory requirements that add little to the safe use of these products.
- Provide a list of lest toxic and low risk pesticides to assist pest managers.
- Exempt pesticides for which there would be little additional human health or environmental protection from requirements for licensing, certification, permits or notification under the BC *Integrated Pest Management Act*.
- Bring the list of currently Exempted pesticides up-to-date with current pesticide products and regulatory activities.

Proposed Process for Adding Pesticides to the Exempted list

Initial Regulations under the *IPM Act* will contain a list of pesticides – as proposed below. Following enactment of the Regulations, proponents could propose additions to the Exempted list by submitting to the Administrator the proposal with an accompanying rationale. The Administrator would post the submission for public review and make a decision based on the rationale, comments received and a Ministry assessment of the information.

A. Low risk pesticides

Pesticide and/or Pesticide Use	Federal Use Class on Label	Recommendation or Comment
Currently Exempted		
Allethrin	DOMESTIC	Rename as d-cis, trans allethrin and d-trans allethrin (synthetic pyrethroid insecticide)
beta-butoxy-beta'-thiocyano diethyl ether	DOMESTIC and COMMERCIAL	Not in PMRA data base – delete from Exempted list
Boron compounds	DOMESTIC	Retain (e.g., boric acid for ant control)
d-trans-allethrin	DOMESTIC	Retain (synthetic pyrethroid insecticide)
Ferrous sulphate	DOMESTIC and COMMERCIAL	Retain (for moss control)
Insect bait stations	DOMESTIC	Retain (e.g., ant traps)
Insect repellents	DOMESTIC	Retain (mosquito repellents for application on humans)
Isobornyl thiocyanoacetate	DOMESTIC and COMMERCIAL	Not in PMRA data base – delete from Exempted list
Pet pesticides	DOMESTIC	Rename as "pesticides registered for topical application to domestic animals"
Plant growth regulators	DOMESTIC	Retain (e.g., plant rooting compounds)
Pressurized pesticides	DOMESTIC	Rename as "pesticides in aerosol containers"
Pyrethrins	DOMESTIC and COMMERCIAL	Retain DOMESTIC but not COMMERCIAL because many COMM. products have complex application procedures (botanically derived insecticide)

Pesticide and/or Pesticide Use	Federal Use Class on Label	Recommendation or Comment
Resmethrin	DOMESTIC	Retain (synthetic pyrethroid insecticide)
Rotenone	DOMESTIC and COMMERCIAL	Retain DOMESTIC but not COMMERCIAL because of acute toxicity and toxicity to fish (botanically derived insecticide)
Silicon dioxide	DOMESTIC and COMMERCIAL	Rename as " silicon dioxide - also referred to a diatomaceous earth" (insecticide)
Soaps	DOMESTIC and COMMERCIAL	Retain (insecticide and herbicide)
Surfactants	DOMESTIC and COMMERCIAL	Propose deleting these from exempted list because they are used in non-exempted pesticides and some have precautionary requirements for risk reduction
Tetramethrin	DOMESTIC	Retain (synthetic pyrethroid insecticide)
Proposed Additions to the Exempted List (For all pesticides, no aerial application will be exempted)		
Acetic acid	DOMESTIC and COMMERCIAL	(herbicide)
Bacillus thuringiensis kurstaki (Btk) - non-aerial application only	DOMESTIC and COMMERCIAL	(insecticide)
Boron compounds for insect control and wood preservation	COMMERCIAL	(e.g., disodium octaborate tetrahydrate and anhydrous disodium octaborate wood preservatives) Does not include boron in products used for weed control
Silica aerogel (also referred to as silica gel, amorphous silica and amorphous silica gel)	DOMESIC and COMMERCIAL	(for control of household insects)
Fatty acids	DOMESTIC	(herbicide) Does not include commercial adjuvants
Ferric phosphate	DOMESTIC and COMMERCIAL	(for slug and snail control)
Insect pheromones	DOMESTIC and COMMERCIAL	(e.g., for insect mating disruption)
Methoprene	DOMESTIC	(insect growth regulator for flea control)
mineral oils for insect and mite control	DOMESTIC and COMMERCIAL	Does not include products used as adjuvants or for weed control
sulphur, including lime sulphur, sulphide sulphur and cacium polysulphide	DOMESTIC and COMMERCIAL	(dormant sprays for insect, mite and disease control)
n-octyl bicycloheptene dicarboximide	DOMESTIC	(used as a synergist together with other exempted pesticides such as pyrethrins)
Pet pesticides	COMMERCIAL	Rename as "insecticides registered for application to domestic animals" (e.g., pet shampoos, flea collars and fly control creams for horses)
Piperonyl butoxide	DOMESTIC	(used as a synergist together with other exempted pesticides such as pyrethrins)
D-phenothrin	DOMESTIC	(combined with other exempted pesticides such as pyrethrins in insecticide products)

B. Non-Traditional pesticides and pesticide uses for which there is no significant benefit to require licensing, certification or permits under the *IPM Act*

Pesticide and/or Pesticide Use	Federal Use Class on Label	Recommendation or Comment
Currently Exempted		
Animal repellents	DOMESTIC	Retain
Bactericides used in petroleum products	DOMESTIC and COMMERCIAL	Retain
Cleansers	DOMESTIC and COMMERCIAL	Retain
Deodorizers	DOMESTIC and COMMERCIAL	Retain
Disinfectants	DOMESTIC and COMMERCIAL	Rename as "hard surface disinfectants"
Naphthalene	DOMESTIC	Rename as "naphthalene for fabric protection" (e.g., moth balls)
Paradichlorobenzene	DOMESTIC	Rename as "paradichlorobenzene for fabric protection" (e.g., moth balls)
Polybutene	DOMESTIC and COMMERCIAL	Rename as "polybutene bird repellents"
Asphalt solids (pruning paints)	DOMESTIC and COMMERCIAL	Retain
Swimming pool chemicals	DOMESTIC and COMMERCIAL	Rename as "swimming pool algicides and bactericides"
Wood preservatives	DOMESTIC	Not including polychlorophenols (or their salts) and creosote
Proposed Additions to the Exempted List		
Animal repellents, except not pesticides that repel by toxic effects when ingested	COMMERCIAL and RESTRICTED	Does not include thiram; will include bear repellents
Anti-fouling paints	DOMESTIC and COMMERCIAL	(e.g., for application to boat hulls and aquaculture nets)
Anti-sapstain wood preservatives used on private, industrial land owned by the company or person responsible for the application	COMMERCIAL	Includes commercial anti-sapstain treatment facilities often associated with saw mills
Laundry additives	DOMESTIC and COMMERCIAL	
Material preservatives	DOMESTIC and COMMERCIAL	(e.g., preservatives in paints)
Slimicides	COMMERCIAL	(e.g., products used to control bacterial slime in cooling towers and pulp mills)
Wood preservatives	DOMESTIC	Drop reference to polychlorophenols and creosote as not being Exempt: Polychlorophenols are no longer registered; creosote application method is simple and no mixing is required.
Wood preservatives used on private, industrial land owned by the company or person responsible for the application	COMMERCIAL	Includes commercial wood pole and timber treatment facilities